

REMARKS

The application now contains claims 1 through 11. Claims 1 through 10 have been amended. Claim 11 is newly presented and recites the "optional" embossing step previously described in independent claim 1. Claims 5 through 8 stand rejected under 35 U.S.C. §112, second paragraph, as being "unclear" with regard to the test conditions used to determine the claimed WVTR. These claims have been amended to recite that the WVTR is measured at 38°C and 90% RH. Because an absolute value of WVTR is claimed, applicants do not believe that the claims need to recite the precise test procedures used to determine WVTR. The standard test used to determine WVTR is ASTM F327-73, as would be apparent to one of ordinary skill in the art.

Claims 1, 5 and 8 stand rejected under 35 U.S.C. §112, second paragraph, for failing to sufficiently define the step of passing the precursor film through the pair of interdigitating grooved rollers. Each of claims 1 and 8 was further amended to better define the step of passing the precursor film through the pair interdigitating grooved rollers. The above amendments make this rejection irrelevant to claim 5. At the same time, the claims have been amended to remove all the abbreviations to which the Examiner objected, remove the term "fabric barrier" from claim 8, and address all remaining formal grounds for rejection. Applicants have further amended the specification to correct errata, including all informalities specifically noted by the Examiner. In view of the above amendments to the specification and claims, applicants respectfully request that all objections to the specification and rejections of the claims presented under 35 U.S.C. §112, second paragraph, now be withdrawn.

Claims 1 through 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,296,184 to Wu et al. ("the Wu et al. patent"), in view of U.S. Patent No. 4,777,073 to Sheth ("the Sheth '073 patent"), U.S. Patent No. 4,517,714 to Sneed et al. ("the Sneed et al. patent") and U.S. Patent No. 4,929,303 to Sheth ("the Sheth '303 patent"). Applicants respectfully traverse this rejection.

The Wu et al. patent was cited for allegedly teaching the passage of a precursor film through a pair of interdigitating grooved rollers to effect stretching in order to increase the breathability and vapor permeability of the film. Applicants take strong issue with this characterization of the Wu et al. patent. The Wu et al. patent is directed to a film that is first embossed, and then subsequently passed through a pair of interdigitating rollers to slightly stretch the film and impart a softer, cloth-like feeling to the film. The "stretching" operation of the Wu et al. patent does not increase the WVTR of the film as is clear from the teachings of the patent at col., lines 31 to 33, where it is taught that the films may optionally "be selectively perforated to meet the demands of breathable or permeable films" (emphasis added). Clearly, the Wu et al. patent does not teach the rendering of polyolefin film provided with a substantial amount of filler more vapor permeable by stretching, wherein stretching is accomplished by passing the film through a pair of interdigitating grooved rollers.

The process of the present invention is further distinguishable from that of the Wu et al. patent, as the Wu et al. patent fails to teach the use of a polyolefin film having a sufficient amount of filler such that the film is provided with the specified WVTR required by the present

claims upon stretching. While the Wu et al. patent states that the polymer material from which the film is formed may be "modified with conventional fillers" (see col. 4. line 6), these fillers cannot be construed to be present in amounts sufficient to provide an increase rate of water vapor transmission. Specifically, the Wu et al. patent fails to teach a film rendered vapor permeable by any means other than by perforation. Therefore, the Wu et al. patent can only be fairly construed to suggest a film containing an amount of filler needed for "conventional" purposes other than rendering the film vapor permeable (i.e., for purposes of adjusting color or opacity). Such purposes do not require the relatively large amount of filler required by the present claims. Therefore, under the conditions specified in the patent, the films of the Wu et al. patent will not be rendered vapor permeable to the degree required by the present claims upon passage through a pair of interdigitating grooved rollers. Thus, the Wu et al. patent fails to teach or suggest a process for increasing the WVTR of a polymer film formed of a polyolefin and a filler comprising the passage of the film through a pair of interdigitating grooved rollers, as claimed in the present application.

The Sheth '073 patent was cited only for allegedly teaching the melt embossing of a polyolefin/filler-containing precursor sheet prior to the stretching of same. Melt embossing, however, is only an additional, optional step of the present invention, as now claimed in dependent claim 11. The Sheth '073 patent does not teach a process for increasing the WVTR of a precursor sheet containing a polyolefin and a filler in which the precursor sheet is stretched upon passage between a pair of interdigitating grooved rollers. Instead this reference only teaches stretching in the machine direction by stretching between smooth rollers rotated at

slightly different speeds. As neither the Sheth '073 patent nor the above-described Wu et al. patent teach a process of increasing the WVTR of a polymer film in which a precursor film containing a polyolefin and filler is stretched upon passage between interdigitating grooved rollers, the combination of the Sheth '073 patent and the Wu et al. patent cannot render obvious the invention of the present claims.

The Sneed et al. patent was cited as allegedly teaching the passage of a film through a pair of interdigitating grooved rollers. However, the "films" of the Sneed et al. patent are nonwoven fabric fiber-containing sheets and are non-analogous to the polyolefin/filler-containing films of the present invention. Further, the Sneed et al. patent is not directed to a process for rendering a film formed of a polyolefin/filler composition more vapor permeable. Instead, the Sneed et al. patent is directed to a means for reducing the liquid permeability (strikethrough) of a nonwoven fabric sheet that initially has a high level of vapor permeability. One would not be led by the teachings of the Sneed et al. patent to pass a liquid impervious polyolefin/filler-containing film through a pair of interdigitating grooved rollers in order to increase the vapor permeability of the film. Therefore, neither the Sneed et al. patent, nor a combination of the Sneed et al. patent, the Wu et al. patent and the Sheth '073 patent would render obvious the process of the present claims.

Finally, the Sheth '303 patent was cited only for allegedly teaching the lamination of portions of a breathable polyolefin film to reduce the vapor permeability of the laminated portions. While the practice of this optional lamination step is not excluded from the scope of

the present invention, such an additional step is not claimed. Therefore, for the purposes of rendering obvious the invention of the present claims, the Sheth '303 patent adds nothing to the references cited above. Therefore, the invention of the present claims is neither disclosed nor even suggested by the combination of the Sheth '303 patent, the Wu et al. patent, the Sheth '073 patent and the Sneed et al. patent.

Based upon the foregoing, applicants believe that the process described in the present claims has been shown to be patentably distinguishable over each of the patents cited in the Office Action, and any combination of same. In view thereof, applicants respectfully request that all grounds for rejection be withdrawn and that the present application now be passed to allowance.

Respectfully submitted,



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